

## Message Text

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C O N F I D E N T I A L STATE 309626

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GE, US, CSCE

SUBJECT: ATTEMPT BY GDR TO PROTEST RIAS PROGRAM

REF: BERLIN 7312; BONN 21293; USBERLIN 2727

1. DEPARTMENT AND USIA HAVE CONSIDERED CAREFULLY  
IMPLICATIONS OF ATTEMPTED GDR PROTEST OF RIAS PROGRAM  
AS DISCUSSED IN REFTELS. WHILE WE ARE SENSITIVE TO  
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POSSIBLE BROADER MEANING FOR OUR POSITION IN BERLIN OF GDR  
DISCUSSION OF RIAS PROGRAMMING, THERE ARE SEVERAL  
REASONS WHY WE DO NOT BELIEVE IT IS IN US INTEREST SIMPLY  
TO TELL GDR THAT THE MATTER IS NOT APPROPRIATE FOR  
DISCUSSION BETWEEN OUR TWO GOVERNMENTS.

A. FROM POINT OF VIEW OF RIAS OPERATIONS, WE DO NOT BELIEVE THAT A DISTINCTION CAN BE MADE BETWEEN US-GDR CONTACTS WHICH HAVE ALREADY TAKEN PLACE AND GDR COMPLAINT ABOUT PROGRAM CONTENT. IT WAS THE US WHICH INITIATED BILATERAL CONTACT WITH GDR ON RIAS. WE DID SO BECAUSE WE BELIEVED THAT PROBLEMS GDR HAD CREATED FOR THE STATION COULD BEST BE HANDLED BY MAKING CLEAR TO EAST GERMANS THAT IF PROBLEMS WERE NOT SOLVED, THE GDR WOULD EXPERIENCE DIFFICULTIES IN ITS BILATERAL RELATIONS WITH THE UNITED STATES. WE DID NOT BELIEVE THAT RAISING THESE TECHNICAL ISSUES WOULD PREJUDICE OUR LEGAL POSITION IN BERLIN. IF WE NOW TELL THE GDR THAT WE CANNOT DISCUSS A PROGRAM COMPLAINT WITH THEM BECAUSE RIAS IS AN "OCCUPATION MATTER," WE WILL RECEIVE THE SAME RESPONSE FROM THE GDR THE NEXT TIME WE WISH TO DISCUSS A TECHNICAL ISSUE WITH THEM. DEPARTMENT AND USIA CONSIDER ACHIEVING END TO GDR JAMMING OF RIAS TO BE AN IMPORTANT GOAL AND WE INTEND TO CONTINUE PURSUIT OF THE QUESTION WITH THE GDR. FURTHER PROBLEMS IN THE FREQUENCY AREA ARE ALSO A POSSIBILITY. WE DO NOT INTEND TO PREJUDICE EFFORTS AT A SOLUTION OF THESE ISSUES BY TELLING THE GDR THAT RIAS IS NOT AN APPROPRIATE SUBJECT FOR DISCUSSION BETWEEN US.

B. FROM THE POINT OF VIEW OF OUR BERLIN OCCUPATION RESPONSIBILITIES, DEPARTMENT DOES NOT SEE THE DANGER EITHER TO OUR POSITION IN BERLIN OR TO RIAS OPERATIONS PERCEIVED IN USBERLIN'S ANALYSIS OF THE SITUATION (USBERLIN 2727). THE GDR HAS OBJECTED TO RIAS FOR YEARS, AS CONTINUED JAMMING DEMONSTRATES. AN EARLY SOVIET POSITION IN THE QUADRIPARTITE NEGOTIATIONS WAS THAT CONFIDENTIAL

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"PROPAGANDA STATIONS" SUCH AS RIAS SHOULD BE CLOSED. WE CAN EXPECT CONTINUED COMPLAINTS ABOUT THE CONTEXT OF RIAS PROGRAMMING, JUST AS WE RECEIVE COMPLAINTS ABOUT BROADCASTS OF RFE AND RL. WHETHER WE REFUSE TO DISCUSS THE MATTER WITH THE GDR OR NOT WILL NOT PUT A STOP TO COMMUNIST OPPOSITION OR TO GDR JAMMING OF RIAS. HOWEVER, THE MAJOR ISSUE FROM OUR POINT OF VIEW IS RAISED IN PARA. 3 OF USBERLIN 2727, I.E. WHETHER OUR CASE IN INTERNATIONAL FORA WILL BE WEAKENED IF WE TALK TO THE GDR ABOUT RIAS. EXPERIENCE IN THE 1975 FREQUENCY CONFERENCE SUGGESTS THAT RAISING TECHNICAL MATTERS WITH THE GDR BEFOREHAND HELPED SMOOTH THE WAY FOR A REALISTIC SOLUTION TO THE PROBLEMS WE ANTICIPATED. FURTHERMORE, THE SOLUTION WAS WORKED OUT QUIETLY WITH A MINIMUM OF POLEMICS AT THE CONFERENCE ITSELF. TO REFUSE ALL CONTACT WITH THE GDR AND TO STATE SIMPLY THAT RIAS IS A SPECIAL CASE WOULD UNDOUBTEDLY MEAN THAT ANY FUTURE CONFLICTS OVER FREQUENCIES OR OTHER TECHNICAL MATTERS WOULD BE CARRIED

TO OPEN SESSIONS OF THE MEETING OR CONFERENCE AT WHICH THEY WERE BEING CONSIDERED. THE DEPARTMENT IS NOT SANGUINE THAT ARGUING THE SPECIAL STATUS OF RIAS WOULD BE ENOUGH TO GUARANTEE SUCCESS. IN FACT, WE ARE COMING INCREASINGLY TO SEE THAT CLAIM TO SPECIAL PRIVILEGES BECAUSE OF OUR OCCUPATION ROLE IS NOT A PERSUASIVE ARGUMENT, ESPECIALLY WITH NATIONS OF THE THIRD WORLD. IN OUR VIEW, US SHOULD MAINTAIN AS MANY OPTIONS AS POSSIBLE TO DEAL WITH POTENTIAL PROBLEMS AFFECTING RIAS. DIRECT CONTACT WITH GDR IS ONE SUCH OPTION.

C. FINALLY, TO REFUSE TO RESPOND TO GDR COMPLAINT WOULD BE TO MISS OPPORTUNITY TO MAKE USEFUL POINT ABOUT ABOUT RIAS BROADCASTING, I.E. THAT IT IS PERFECTLY LEGITIMATE UNDER PROVISIONS OF CSCE FINAL ACT ON DISSEMINATION OF BROADCAST INFORMATION, TO WHICH GDR HAS SUBSCRIBED. WE BELIEVE ONE REASON GDR HAS CHOSEN TO PROTEST THIS SPECIFIC RIAS PROGRAM IS THAT IT INCLUDES CONFIDENTIAL

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DIRECT CONTACT WITH GDR CITIZENS. SINCE THE GDR UNDOUBTEDLY EXPECTS US TO RAISE PROBLEMS OF RIAS JAMMING IN BELGRADE, EAST GERMANS PROBABLY WISH TO ESTABLISH COUNTER-CLAIM THAT RIAS BROADCASTING INTERFERES IN THEIR INTERNAL AFFAIRS. PLANNED CALL-IN PROGRAM IS BEST POSSIBLE EXAMPLE THEY COULD FIND. IF THE US NOW LEAVES THIS COMPLAINT UNANSWERED, GDR WILL BE ABLE TO CLAIM THAT WE IGNORED THEIR CONCERNS ON RIAS ACTIVITIES. HOWEVER, IF WE COME BACK WITH WELL-REASONED RESPONSE BASED ON CSCE FINAL ACT, OUR POSITION ON MATTER WILL BE CLEAR

2. IN OUR VIEW, MOST APPROPRIATE RESPONSE TO GDR COMPLAINT WOULD BE LOW-KEY REPLY TO SAME WORKING LEVEL OFFICIAL AT FOREIGN MINISTRY (SIEMENS) WHO MADE ORIGINAL APPROACH. IN THIS DISCUSSION EMBASSY SHOULD MAKE FOLLOWING POINTS:

A. RIAS IS AN AMERICAN STATION OPERATING IN THE AMERICAN SECTOR OF BERLIN FULLY IN ACCORDANCE WITH THE RULES OF INTERNATIONAL BROADCASTING.

B. WHILE WE ARE NOT FULLY INFORMED ABOUT THE CONTENT OF THE PROGRAM THE GDR HAS MENTIONED, THERE IS NOTHING IN INTERNATIONAL TELECOMMUNICATIONS AGREEMENT OR IN THE FINAL ACT OF THE CSCE WHICH PROHIBITS SUCH CALL-IN PROGRAMS.

C. FURTHERMORE, THE BROADCASTS OF RIAS ARE FULLY CONSISTENT WITH THE SPIRIT AND THE LETTER OF THE HELSINKI

FINAL ACT, TO WHICH THE GDR HAS SUBSCRIBED. IN PARTICULAR THE FINAL ACT NOTES THAT THERE HAS BEEN AN EXPANSION IN THE DISSEMINATION OF INFORMATION BROADCAST BY RADIO AND EXPRESSES THE HOPE THAT IT WILL CONTINUE. THE FINAL ACT ALSO STATES THAT PARTICIPATING STATES "MAKE IT THEIR AIM TO FACILITATE THE FREER AND WIDER DISSEMINATION OF CONFIDENTIAL

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INFORMATION OF ALL KINDS." THE CSCE FINAL ACT TEXT ON BROADCASTING EXPRESSES THE HOPE FOR A CONTINUED REDUCTION OF JAMMING, WHICH UNFORTUNATELY THE GDR CONTINUES TO MOUNT AGAINST RIAS TRANSMISSIONS. THE FINAL ACT DOES NOT MENTION THE CONTENT OF BROADCASTS IN ANY WAY.

D. GIVEN THESE FACTS, THE US FINDS IT DIFFICULT TO UNDERSTAND WHY THE GDR AS A SIGNATORY OF THE FINAL ACT, APPEARS TO BE ATTEMPTING TO HINDER THE FREE FLOW OF " BROADCAST INFORMATION.

3. IF GDR OFFICIAL ATTEMPTS TO CONTEST THE LEGALITY OF RIAS OPERATIONS OR TO STRAY IN ANY FASHION FROM THE SPECIFIC PROGRAM IN QUESTION, EMBASSY SHOULD REPLY THAT AS GDR IS AWARE, RIAS IS OPERATED IN BERLIN AS PART OF US OCCUPATION RESPONSIBILITIES. THESE RESPONSIBILITIES ARE NOT AN APPROPRIATE TOPIC FOR DISCUSSION BETWEEN THE UNITED STATES AND THE GDR.  
ROBINSON

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